

Mountain T.O.P. is a charitable organization as defined by the Act, and is subject to the Secretary of State's regulatory authority. Therefore, the Secretary of State finds that he has jurisdiction over the subject matter and the parties herein.

## **II. FINDINGS OF FACT**

1. On April 29, 2021, the Charities Division of the Secretary of State's Office ("Division") sent Mountain T.O.P. a renewal registration notice informing it of the requirement to submit the annual renewal registration on or before May 15, 2021, its renewal date. The renewal notice was sent to the charity via electronic mail.

2. Failing to submit its renewal registration by May 15, 2021, Mountain T.O.P.'s registration expired. As a courtesy thereafter, the Division sent Mountain T.O.P. a "termination letter" on May 31, 2021. The termination letter indicated that Mountain T.O.P. had failed to renew its registration and that a renewal registration was required if Mountain T.O.P. wanted to continue to solicit contributions in Mississippi; otherwise, if Mountain T.O.P. wanted to cease solicitations in Mississippi, a Final Report would be required to terminate the registration. Mountain T.O.P. failed to respond to the termination letter, submit a renewal registration, or file a Final Report. The Division continued to send Mountain T.O.P. termination letters via electronic mail on June 16, 2021 and July 2, 2021 giving it the ample opportunity to comply with state.

3. Again, Mountain T.O.P. failed to respond to the termination letters.

4. To date, the Division has not received a renewal registration or Final Report from Brown's Farm.

## **III. APPLICABLE LAW**

5. Pursuant to Miss. Code Ann. §79-11-503(1), every charitable organization which solicits or intends to solicit contributions shall be registered with the Secretary of State prior to any solicitation.

6. Miss. Code Ann. §79-11-503(6) further states that in no event shall a registered charitable organization continue to solicit contributions in or from this state after the date such organization should have filed, but failed to file, a renewal and the financial report in accordance with the requirements of §§79-11-501 through 79-11-529.

7. Miss. Code Ann. §79-11-503(8) also states that any registered charitable organization which for any reason opts not to renew its registration must, upon the expiration of its registration, provide to the Secretary of State a Final Report.

8. Miss. Code Ann. §79-11-509(1)(e) states that the Secretary of State shall deny, suspend, or revoke a registration or exemption if the applicant or registrant has violated or failed to comply with any provisions of the chapter or any rule or order thereunder.

9. Miss. Code Ann. §79-11-509(2) also states that the Secretary of State shall notify the applicant or licensee of his intent to deny, suspend, or revoke a license and shall inform him of his right to request an administrative hearing within thirty (30) days of receipt of the notification.

10. Miss. Code Ann. §79-11-509(4) provides that whenever it appears to the Secretary of State that any person has engaged in or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, he may, in his discretion, seek one or more of the following remedies in addition to other remedies authorized by law:

(a) Issue a cease and desist order, with or without a prior hearing against the person or persons engaged in the prohibited activities, directing them to cease and desist from further illegal activity;

(b) Administratively dissolve the charitable organization; or

(c) Issue an order imposing an administrative penalty up to a maximum of Twenty-Five Thousand Dollars (\$25,000.00) for each offense, each violation to be considered as a separate offense in a single proceeding or a series of related proceedings;

#### **IV. CONCLUSIONS OF LAW**

11. According to Miss. Code Ann. §79-11-503(1) and (6), every charitable organization which solicits or intends to solicit contributions shall file with the Secretary of State a registration statement and pay a filing fee of Fifty Dollars (\$50.00). In no event shall a registered charitable organization continue to solicit contributions in or from this state after the date such organization should have filed, but failed to file, a renewal and the financial report in accordance with the requirements of §§79-11-501 through 79-11-529. Mountain T.O.P. has failed to file a renewal registration and financial report with the Division after its registration expired, and is therefore in violation of these provisions.

12. Mountain T.O.P. does not have the option of not renewing its registration in Mississippi. Pursuant to Miss. Code Ann. §79-11-503(8), if a registered charitable organization for any reason opts not to renew its registration, it must upon the expiration of its registration, provide to the Secretary of State a Final Report. Mountain T.O.P. has failed to file a Final Report with the Division after its registration expired, and is therefore, in violation of this provision.

#### **V. CEASE AND DESIST**

As provided in Miss. Code Ann. §79-11-509(4), the Secretary of State hereby orders Mountain T.O.P. to immediately **CEASE AND DESIST** soliciting charitable contributions in and from the State of Mississippi as defined by Miss. Code Ann. §79-11-501. This order shall remain in effect until further order of the Secretary of State.

## **VI. NOTICE OF INTENT TO REVOKE REGISTRATION**

Pursuant to Miss. Code Ann. §79-11-509(1)(e), the Secretary of State shall deny, suspend, or revoke a registration of a registrant that has violated or failed to comply with any provision of the chapter or rule thereunder. The Secretary of State hereby revokes the registration of Empowerment Fpr The Next Generation.

## **VII. RIGHT TO ADMINISTRATIVE HEARING**

An administrative hearing may be requested in this matter. Any such request shall be made, in writing, to Tanya G. Webber, Assistant Secretary of State, Charities Division, Post Office Box 136, Jackson, MS 39205, within thirty (30) days from the date of receipt of this Order. If an administrative hearing is requested, written notice of the date, time, and place, will be given to all parties by certified mail, return receipt requested. Said notice will also designate a Hearing Officer. In the event such written notice is not received within the thirty (30) day period of time, the registration revocation and dissolution shall become effective.

## **VIII. PUBLIC INTEREST**

The actions taken and proposed to be taken herein by the Secretary of State are in the public interest and are consistent with the purposes set out in Miss. Code. Ann. §79-11-501, *et seq.*

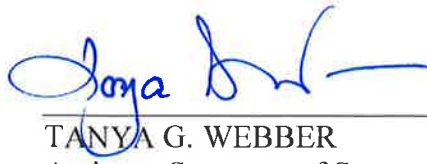
## **IX. RIGHT TO AMEND**

The Secretary of State hereby reserves the right to amend this Cease and Desist Order and Notice of Intent to Revoke Registration.

SO ISSUED, this the 14<sup>th</sup> day of September, 2022.

MICHAEL WATSON  
Secretary of State  
State of Mississippi

BY:



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TANYA G. WEBBER  
Assistant Secretary of State  
Charities Division

## CERTIFICATE OF SERVICE

I, Tanya G. Webber, do hereby certify, that I have this day, mailed a true and correct copy, via certified mail, return receipt requested, of the Cease and Desist Order and Notice of Intent to Revoke Registration to the following:

Mountain T.O.P., Inc.  
Post Office Box 128  
Altamont, TN 37301

. Mountain T.O.P. Inc.  
480 Old Highway 56  
Coalmont, TN 37313

This the 14<sup>th</sup> day of September, 2022.



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TANYA G. WEBBER  
Assistant Secretary of State  
Charities Division  
Mississippi Secretary of State's Office

Tanya G. Webber, MSB# 99405  
Mississippi Secretary of State's Office  
Post Office Box 136  
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